

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

C. PAUL SANDIFUR, JR.; *et al.*,

Defendants.

No. C05-1631-JCC

ORDER DIRECTING FILING OF
ORIGINAL DEPOSITION
TRANSCRIPTS IN REGISTRY OF
COURT FOR USE IN CRIMINAL
TRIAL

With the consent of the parties in matter No. C05-1631JCC, Defendant Thomas Turner having moved pursuant to F.R.Civ.P. 5(d) for an order directing the filing of original deposition transcripts with the Clerk of the Court, so that these materials may be used in cross-examination and in refreshing recollection of witnesses in the criminal trial scheduled to begin May 29, 2007, and good cause having been shown therefore, and it further appearing that deposition transcripts of present and former Ernst and Young personnel Jack Behrens, Greg Kormanik, Erin O'Neil, and Theodore Anderson are protected material under the terms of a protective order, at Docket No. 160, it is hereby ORDERED, that:

ORDER DIRECTING
FILING ORIGINAL DEPOSITION TRANSCRIPTS
(CR05-1631JCC) — 1

1 (1) the sealed originals of depositions listed of Ernst and Young personnel shall be
2 delivered to Chambers for safekeeping under seal, without further order of this Court (with a
3 copy of this Order accompanying such filing), pending use at trial in matter CR05-0355C;

4 (2) the originals of remaining civil case depositions in C05-1631JCC shall be delivered to
5 Chambers for safekeeping, pending use at trial in matter CR05-0355C;

6 (3) the In Court Deputy shall make the originals of the transcripts filed in the civil case,
7 in Matter No. C05-1631JCC, available in the courtroom for use at trial in *United States v.*
8 *Turner*, No. CR05-0355C; and

9 (4) following the criminal trial, all transcripts remaining with unbroken seals, not used in
10 the criminal trial, and all transcripts not made part of the criminal trial record, shall be returned
11 to the respective civil case parties for safekeeping. Subject to possible objection by the United
12 States at such time, the Court may entertain a motion for substitution in the criminal trial record
13 of copies for any transcripts that may need to remain with the criminal trial record, permitting
14 civil trial counsel to make use of the originals at the civil trial scheduled for next fall.

15 The parties to *SEC v. Sandifur, et al.* have agreed, and this Court approves, that in the
16 event any original deposition transcript remains part of the criminal case record and is
17 unavailable for their use at the civil trial, a copy may be substituted for the absent original and
18 used for any purpose in the civil case for which the original could have been used.

19 DATED this 14th day of May, 2007.

20
21
22
23 

UNITED STATES DISTRICT JUDGE